

KALLINEN LAW PLLC
ATTORNEY & COUNSELOR AT LAW

511 Broadway Street, Houston, Texas 77012
Telephone: 713.320.3785 FAX: 713.893.6737
E-mail: AttorneyKallinen@aol.com

Licensed in all Texas Courts, the United States Supreme Court,
the District Courts for the Eastern, Western, Northern, and
Southern Districts of Texas and the United States Court
of Appeals for the Fifth and Eleventh Circuits

October 16, 2022

Michael Carr, Warden (via CMRRR 7020 06400 0001 4897 8075)
FMC Carswell
Federal Medical Center
P.O. Box. 27066
Fort Worth, TX 76127
Telephone: 817/782-4000
FAX: 817/782-4875

Re: inmate Maribel Santana Cerano; Register Number: 99877-479
IMMEDIATE MEDICAL CARE NEEDED/COMPASSIONATE
RELEASE

Warden Michael Carr,

This law firm represents inmate Maribel Santana Cerano.
Ms. Cerano needs immediate medical care.

The director of the DC Prisoners' Project stated in 2009 that Carswell, along with FMC Butner and FMC Rochester, "are clearly the 'gold standard' in terms of what BOP facilities can achieve in providing medical care," and that they had provided "excellent medical care, sometimes for extremely complex medical needs."

The wounds that Ms. Cerano has due to implants needs to be addressed with this gold standard care. She is in danger of injury and death if the wounds are not treated properly.

While any medical injury may arise under The Federal Tort Claims Act, in the § 1983 context, a supervisor, such as a warden, may be liable where he "affirmatively participates in acts which cause a constitutional deprivation, or implements an unconstitutional policy that causally result in the plaintiff's injuries." *Casanova v. City of Brookshire*, 119 F. Supp. 2d 639, 660 (S.D. Tex. 2000) (citing *Baker v. Putnal*, 75 F.3d 190, 199 (5th Cir. 1996)); see also *Hinojosa v. Livingston*, 807 F.3d

KALLINEN LAW PLLC
ATTORNEY & COUNSELOR AT LAW

511 Broadway Street, Houston, Texas 77012
Telephone: 713.320.3785 FAX: 713.893.6737
E-mail: AttorneyKallinen@aol.com

Licensed in all Texas Courts, the United States Supreme Court,
the District Courts for the Eastern, Western, Northern, and
Southern Districts of Texas and the United States Court
of Appeals for the Fifth and Eleventh Circuits

657, 669 (5th Cir. 2015).

Furthermore, prison officials do not escape liability by utilizing contract medical care:

“Contracting out prison medical care does not relieve the State of its constitutional duty to provide adequate medical treatment to those in its custody, and it does not deprive the State's prisoners of the means to vindicate their Eighth Amendment rights. The State bore an affirmative obligation to provide adequate medical care to [the prisoner]; the State delegated that function to [a doctor]; and respondent [doctor] voluntarily assumed that obligation by contract.” *West v. Atkins*, 487 U.S. 42, 55-56 (1988).

Based upon Ms. Cerano's current condition she also requests a compassionate release. If she is released, he would get medical care in the free world.

Now that you are aware of Ms. Cerano's condition please do not be indifferent to that condition. You can contact this firm via email with your response.

SINCERELY YOURS,

/s/ Randall L. Kallinen
RANDALL L. KALLINEN

encl./attachment(s):

RLK/ms

cc: